

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BRIAN K. REINBOLD,

Plaintiff,

v.

Civil Action No. 04-342-GMS

NATIONAL ASSOCIATION OF LETTER
CARRIERS BRANCH 1977,

Defendant.

BRIAN K. REINBOLD,

Plaintiff,

v.

Civil Action No. 05-47-GMS

UNITED STATES POSTAL SERVICE,
and NALC LOCAL 191,

Defendant.

**UNITED STATES POSTAL SERVICE'S
MOTION FOR SUMMARY JUDGMENT**

The United States Postal Service ("USPS), through the undersigned, hereby moves the Court to enter summary judgment in its favor and in support thereof, avers as follows:

1. Plaintiff Brian K. Reinbold was an employee of the USPS on November 26, 2004, when he was removed from his position for failure to follow instructions.
2. It is undisputed that Mr. Reinbold had a history of several previous disciplinary actions, dating back more than one year before the date of his removal.
3. In the removal proceeding, the co-defendant National Association of Letter Carriers ("NALC") vigorously represented Mr. Reinbold, as it had in each of the previous

disciplinary actions. The NALC did not breach its duty of fair representation as alleged by Plaintiff. As a result, Plaintiff's claim against the USPS must fail. *Vaca v. Sipes*, 386 U.S. 171, 186 (1967).

4. Taking all the alleged facts in the light most favorable to Plaintiff, even if the NALC breached its duty of fair representation, there is no genuine issue of material fact and the USPS is entitled to judgment as a matter of law.

WHEREFORE the USPS moves the Court to enter judgment in its favor.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

By: /s/Patricia C. Hannigan
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Dated: November 30, 2005

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ORDER

AND NOW, this _____ day of _____ 2005, after considering

Defendant, United States Postal Service 's Motion for Summary Judgment, it is hereby

ORDERED that the Motion is GRANTED.

BY THE COURT:

HONORABLE GREGORY M. SLEET
District Judge
United States District Court

CERTIFICATE OF SERVICE

I hereby certify that on **November 30, 2005**, I electronically filed a **UNITED STATES POSTAL SERVICE'S MOTION FOR SUMMARY JUDGMENT** with the Clerk of Court using CM/ECF. Notification of such filing will be electronically mailed to the following:

Susan E. Kaufman, Esquire
Heiman, Gouge & Kaufman, LLP
P.O. Box 1674
Wilmington, DE 19899
(302) 658-1800
skaufman@hgkde.com

and two copies of the foregoing **UNITED STATES POSTAL SERVICE'S MOTION FOR SUMMARY JUDGMENT**, will be mailed, via First Class U.S. Mail to the following:

Brian K. Reinbold
3909 Delaware Street
Wilmington, DE 19808
Pro Se

COLM F. CONNOLLY
United States Attorney

By: /s/Patricia C. Hannigan
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